

### **REMARKS/ARGUMENTS**

Applicants thank the Examiner for the careful consideration given the present application, and respectfully request favorable reconsideration of the application in view of the comments set forth below.

#### ***Interview Summary – 37 C.F.R. §1.133***

Applicants thank the Examiner for allotting time for a telephone interview conducted on Wednesday, July 29, 2009, in an attempt to advance prosecution of the present application. During the telephone interview, applicants' undersigned representative discussed with the Examiner the vertical space-saving advantages afforded by the relative positioning and orientation of the first and second spray arms recited in claim, as amended herein. The prior art currently of records was also discussed. No agreement concerning the patentability of the claims was reached during the interview.

#### ***Claim Rejections – 35 U.S.C. §103(a)***

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document No. JP2000107116 to Kiyoyasu (hereinafter "Kiyoyasu") in view of U.S. Patent No. 4,064,887 to Geiger *et al.* (hereinafter "Geiger") and U.S. Patent No. 6,596,232 to Lin *et al.* (hereinafter "Lin"). For the following reasons, the rejection is respectfully traversed.

Applicants respectfully submit that the combination of Kiyoyasu, Geiger and Lin fails to disclose every feature of the present invention claimed in amended claim 1. Claim 1 requires the second spray to be: above a sloped panel at the bottom of the tub, and angled to form an approximate right angle to the sloped panel and extend beneath the plane of rotation of the first spray arm. Kiyoyasu, it is explained in the Office action, teaches the ability of spray arms to overlap. While it appears that the spray arms in Kiyoyasu do overlap, neither spray arm, much less the spray arm above the sloped panel, in Kiyoyasu is angled. Not only is the spray arm

above the sloped panel not angled in Kiyoyasu, the spray arm above the sloped panel in Kiyoyasu extends entirely *above* the plane of rotation of the other spray arm, an arrangement that is the opposite of the arrangement claimed in claim 1.

The Office action also explains that Geiger teaches that a spray arm can be angled. Again, the spray arm in Geiger appears to be angled. However, the angled spray arm in Geiger is suspended from the upper rack, and is separated from the other spray arm by a lower rack. This angled spray arm in Geiger is not adjacent the sloped panel as required by claim 1, apparently does not form an approximate right angle to the sloped panel, and can not physically extend beneath the plane of rotation of the other spray arm therein because of the rack disposed between those spray arms.

Lin is then relied upon as teaching a spray arm that is arranged substantially parallel to a sloped panel of a floor surface. Lin, which is directed toward systems and processes for cleaning and sterilizing medical devices, appears to teach a stirrer 20 that includes a rotating arm 22 with a hollow channel through which a liquid can flow during cleaning operations. The rotating arm 22 does appear in FIG. 5A of Lin to be substantially parallel to a sloped panel even though such an arrangement is not expressly defined elsewhere in the specification. But even assuming, for the sake of argument, that the rotating arm in Lin is parallel to the sloped panel therein, the rotating arm of Lin does not extend beneath the plane of rotation of any other rotating arm. Further, one of ordinary skill in the art would not find the subject matter relating to dishwashers of claim 1 obvious in view of the non-analogous teachings of Lin.

Accordingly, Applicants respectfully submit that the overlapping arrangement of spray arms in Kiyoyasu, which is the opposite of the arrangement of spray arms recited in claim 1, combined with the abstract idea of an angled spray arm as in Geiger, and the rotating arm that is arguably parallel to a sloped panel in the non-analogous teachings of Lin, even if combined, fail

to teach, suggest or otherwise render obvious the second spray arm arrangement recited in claim 1.

Further, it would not be obvious to one of ordinary skill in the art to modify the teachings of Kiyoyasu in view of Geiger and Lin to arrive at the invention recited in claim 1. The Office action explains that it would have been obvious to make the first spray arm in Kiyoyasu coaxially aligned with the sump hopper as in Geiger to provide support to the spray arm, and to provide the spray arm with enough room to rotate. See Office action, pg. 3, second full paragraph. However, the spray arms in Kiyoyasu, as in any functioning dishwasher, are already adequately supported and have enough room to rotate, otherwise the dishwasher would clearly not function properly. Applicants respectfully submit that one of ordinary skill would not be motivated to modify the apparatus of Kiyoyasu to achieve results that are already present. And there are an infinite number of alternate possibilities for supporting the spray arms and providing the spray arms with enough room to rotate. Nothing in the combination of Kiyoyasu in view of Geiger and Lin would render the specific arrangement of claim 1 any more obvious to one of ordinary skill than any of the other possibilities to achieve these purported benefits.

Applicants respectfully submit that the other modifications of Kiyoyasu according to the teachings of Geiger and Lin set forth in the Office action would also not be obvious to one of ordinary skill in the art for similar reasons. The Office action explains that modifying Kiyoyasu to angle a spray arm and make the angled spray arm substantially parallel to the sloped panel as taught by Geiger and Lin are said to be obvious because overlap between the spray arms is increased and the second spray arm avoids contact with the sloped panel. See Office action, last paragraph beginning on page 2. But again, since Kiyoyasu appears to include overlapping spray arms that do not make contact with the bottom of the tub without modification, one of ordinary skill would not be motivated to modify Kiyoyasu according to Geiger and Lin to achieve these results that are already present. And since there are many possibilities for increasing overlap and avoiding contact between the spray arms and the bottom of the tub, Applicants respectfully

submit that the combination of Kiyoyasu in view of Geiger and Lin fails to render the specific arrangement of claim 1 obvious as opposed to any of the other alternate arrangements.

For at least the above reasons, the combination of Kiyoyasu, Geiger and Lin does not render claim 1 obvious, and thus, withdrawal of this rejection is respectfully requested. The claims depending from claim 1, namely, claims 2 and 4-6, are allowable for the limitations therein and for the limitations of the claims from which they depend.

New claims 7-14 have been added by way of the present amendment. Applicants respectfully submit that Claim 7 is not rendered unpatentable by the combination of Kiyoyasu, Geiger and Lin since the combination fails to teach, suggest or otherwise render obvious a first spray arm and a second, angled spray arm that both project water upward to wash dishes in the lowermost rack. Again, the angled spray arm in Geiger directs water toward dishes in the uppermost rack therein.

Likewise, new claim 8 is patentable over the combination because the combination fails to teach that a plane of rotation of the second spray arm is angled to an extent to partly extend underneath a plane of rotation of the first spray arm within the wash tub. Even extrapolating the plane of rotation of the upper spray arm in Geiger outward, it would not extend under the plane of rotation of the first spray arm within the wash tub as claimed in claim 8.

Claim 9 is patentable over the combination of Kiyoyasu, Geiger and Lin as the combination fails to teach that at least a portion of water from the second spray arm is to travel in a generally upward direction away from the sloped panel and through the plane of rotation of the first spray arm before being combined with a portion of water from the first spray arm to form a high-intensity wash zone. None of the references teaches an angled spray arm that sprays water in a generally upward direction away from the sloped panel and through the plane of rotation of the first spray arm before being combined with a portion of water from the first spray arm.

And new claim 10 is also patentable over the combination of Kiyoyasu, Geiger and Lin as the combination fails to teach that a plane of rotation of the angled spray arm extends between the lower rack and a location vertically beneath a plane of rotation of the first spray arm. Again, the angled spray arm in Geiger is suspended from an upper rack, and is not beneath the lower rack or adjacent the sloped panel as claimed.

Further with respect to new claims 7-14, Applicant respectfully submits that one of ordinary skill in the art would not be motivated to modify the teachings of Kiyoyasu in view of Geiger and Lin to achieve the results set forth in the Office action for reasons analogous to those above with regard to claim 1.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. AEG-37595.

Respectfully submitted,  
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